

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff,

Plaintiff,

v.

MISTRAL (SPC),

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01273 (CGM)

NOTICE OF HEARING ON DEFENDANT'S MOTION TO DISMISS

WHEREAS, on August 4, 2022, the United States Bankruptcy Court for the Southern District of New York, the Honorable Cecelia G. Morris, so-ordered an Amended Stipulation and Order (Dkt. 128) (the "Briefing Order"), setting forth a briefing schedule for Defendant Mistral (SPC)'s ("Defendant") motion to dismiss the Amended Complaint dated June 9, 2022 (Dkt. 113), filed by Irving H. Picard (the "Trustee"), as Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act,

15 U.S.C. §§ 78aaa-lll, and the substantively consolidated chapter 7 estate of Bernard L. Madoff (together with Defendant, the “Parties”), and as amended by this Stipulation and Order; and

WHEREAS, on August 15, 2022, as required by the Scheduling Order, Defendant moved to dismiss the Trustee’s Amended Complaint under Federal Rule of Civil Procedure 12(b)(6) (the “Motion”); and

WHEREAS, under the Scheduling Order, the Trustee will file his opposition to the Motion on or before October 14, 2022; and

WHEREAS, under the Scheduling Order, Defendant will file its reply in further support of the Motion on or before November 14, 2022;

NOW, THEREFORE, PLEASE TAKE NOTICE that a hearing will be held on the Motion before the Honorable Cecelia G. Morris, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York on **December 14, 2022 at 10:00 a.m.**, or at the Court’s earliest convenience.

Dated: August 15, 2022
New York, New York

Respectfully Submitted,

O’MELVENY & MYERS LLP

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